

NEM:SMS  
F. # 2023R00087

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH  
WARRANT OF THE PERSON KNOWN  
AND DESCRIBED AS ALFONZO FORNEY,  
WITH BOP NUMBER 61513-050

AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR A SEARCH  
WARRANT

Case No. 24-MC-3201

EASTERN DISTRICT OF NEW YORK, SS:

JACOB SIMKOVITZ, being duly sworn, deposes and states that I am a Postal Inspector with the United States Postal Inspection Service, duly appointed according to law and acting as such. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(c), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant.

Upon information and belief, there is probable cause to believe that evidence of violations of Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm and ammunition) (the “Subject Offense”) committed by the defendant Alfonzo Forney (“FORNEY”) will be obtained by the taking, and preserving as evidence, of a buccal swab sample of FORNEY.

The source for your deponent’s information and the grounds for his belief are as follows:

1. The facts set forth in this affidavit are based on my own investigation and upon what I have learned from other individuals who have participated in the investigation. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part. Because the purpose of this affidavit is to set forth only those facts necessary to establish

probable cause, I have not set forth all of the facts and circumstances relevant to this investigation.

2. On May 28, 2024, a grand jury sitting in the Eastern District of New York returned a ten-count indictment charging FORNEY with violations of Title 18, United States Code, Sections 371 (mail theft conspiracy) , 1708 (mail theft), 2114 (robbery of any person having lawful charge, control, or custody of any mail matter or of any money or property of the United States), 924(c) (unlawful use of firearms), 1704 (arrow key theft), 1708 (possession of stolen mail), 1343 (wire fraud), 1344 (bank fraud), 1029 (access device fraud), and 1028A (aggravated identity theft) (collectively, the “Charged Offenses”).

3. On May 30, 2024, the Honorable Vera M. Scanlon, United States Magistrate Judge, authorized a warrant to search FORNEY’s residence for evidence of the Charged Offenses. See 24-MC-2127. On May 31, 2024, law enforcement officers searched FORNEY’s residence pursuant to the search warrant. During the search of FORNEY’s residence, law enforcement officers found and seized a Ruger 9mm semi-automatic pistol (the “Firearm”) from within a laundry bag. The Firearm was loaded with 14 cartridges in the magazine and one cartridge in the chamber. Photographs of the Firearm taken by law enforcement at the time of the search are included below:



4. On January 8, 2024, the Honorable Joseph A. Marutollo, United States Magistrate Judge, authorized a warrant to search an Apple iCloud account associated with FORNEY. See 24-MC-108. During a review of the iCloud account, law enforcement agents uncovered photographs of FORNEY with a firearm dated June 10, 2022. Based on my review, the firearm in the images with FORNEY that were found on the iCloud account appears to be

consistent with the Firearm seized during the search of FORNEY's residence. Photographs from the iCloud account are included below:



5. The Firearm was processed on or about May 31, 2024, and various regions of the Firearm were swabbed for possible DNA by members of the Evidence Collection Team ("ECT") of the New York Police Department ("NYPD"). Those swabs, vouchered under Property Clerk Invoice 3001753592, were submitted to the Office of Chief Medical Examiner of the City of New York ("OCME") for DNA analysis.

6. I reviewed a report generated by the OCME on June 25, 2024, that stated that the OCME recovered mixtures of DNA from four contributors from swabs of the "slidegrip grooves/slide release/safety and" "trigger/trigger guard" of the Firearm that were suitable for comparison.

7. The government seeks to collect a buccal swab from FORNEY in order to

allow the OCME to directly compare his DNA from a medical swab to the swabs from the Firearm which are suitable for comparison.

8. Based on the above information, there is probable cause to believe that the DNA of FORNEY will be found within the mixtures of DNA recovered from the swabs of the Firearm. Therefore, there is probable cause to believe that a buccal swab would constitute evidence of FORNEY's commission of the Subject Offense.

9. The defendant is currently detained at the MDC Brooklyn. Law enforcement officers will seek to collect a buccal swab from FORNEY pursuant to the warrant issued based on this application from FORNEY at the MDC Brooklyn.



10. WHEREFORE, your deponent requests that a search warrant be issued authorizing me and other law enforcement officers and support personnel to seize and obtain DNA samples from FORNEY, as set forth above. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform the swabbing. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to 10 seconds. Two samples are requested from FORNEY in the event that one of the samples becomes contaminated or otherwise cannot be tested. The samples seized will be subsequently submitted to OCME for examination, testing, and analysis.

Respectfully Submitted,

/s/ Jacob Simkovitz

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JACOB SIMKOVITZ

Postal Inspector

United States Postal Inspection Service

Subscribed and sworn to before me by  
telephone on August 15, 2024

*Marcia M. Henry*

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THE HONORABLE MARCIA M. HENRY  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK